REMARKS

Applicants respectfully requests reconsideration of this application as amended.

Claim 10 has been amended to present the claim in correct form for reconsideration.

Applicants respectfully request the Examiner to accept the proposed amendment. No

claims have been cancelled. No claims have been added. Therefore, claims 1-23 are now

are presented for examination.

35 U.S.C. § 103 Rejection

Claims 1, 2, 3, and 15-17 stand rejected under 35 U.S.C. §103(a), as being

unpatentable over Reiner, U.S. Patent No. 6,219,676 ("Reiner") in view of Barroux, U.S.

Patent No. 5,923,850 ("Barroux").

Reiner discloses "a method and system to establish and maintain cache coherency

between a web server and one or more clients" by "*designating monitor areas* on a data

segment of the server, *determining if an activity occurs in one of the monitor areas*,

updating a change log if such activity occurs, and *indicating the updated status of the*

change log to the clients" (Abstract; see also col. 2, lines 36-43, 48-52 and 57-60, col. 7,

lines 28-64; emphasis provided).

Barroux discloses an "integrated resource [that] is a tool for collecting and

managing *survey information* about nodes of a network." (col. 3, lines 41-42; emphasis

provided).

In contract, claim 1, in pertinent part, recites, performing periodic audits of the

customer system in accordance with the predetermined audit intervals, the performing of

the periodic audits includes executing an agent program that is resident on the customer

system and that collects audit data to be transferred to an application server connected

with the customer system via a network. As acknowledged by the Examiner, in the final Office Action, mailed on July 6, 2004, "Reiner does not teach predetermined audit interval, an agent program that collects [audit data]." (Office Action, page 2, paragraph 5). Barroux discloses an *integrated resource for collecting survey data.* (col. 3, lines 41-41; emphasis provided). Barroux's *integrated resource for collecting survey data* is not the same as an agent program that is resident on the customer system and that collects audit data, as recited by claim 1. (emphasis provided). For example, the agent program found in claim 1 captures a snapshot of a customer server and also periodically performs audits on the customer server. However, Barroux's integrated resource is a tool for collecting and managing survey information about nodes of a network, and does not disclose or reasonably teach performing any sort of auditing or collection of audit data. Reiner and Barroux neither individually nor when combined teach or reasonably suggest an agent program that is resident on the customer system and that collects audit data. Accordingly, for at least the reasons set forth above, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claims.

With regard to claims 10 and 15, they contain limitations similar to those of claim 1 and accordingly, Applicants request the rejection of claims 10 and 15 and their dependent claims be withdrawn.

Claims 8, 9, 22, and 23 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Reiner, in view of Barroux, and in further view of Brain Tree ("Policy Manager").

Claims 10-12 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Reiner, in view of Barroux, and in further view of Michael L. Nelson ("NASA Technical Report Server").

Claim 13 stands rejected under 35 U.S.C. §103(a), as being unpatentable over Reiner, in view of Barroux, in view of the NASA Technical Report Server and in further view of McDonald et al., U.S. Patent No. 6,530,065 B1 ("McDonald").

Claim 14 stands rejected under 35 U.S.C. §103(a), as being unpatentable over Reiner, in view of Barroux, in view of the NASA Technical Report Server and in further view of Jim Whitehead ("Snapshots") further in view of Blea et al., U.S. Patent No. 6,212,531 ("Blea").

With regard to claims 4-9, 13-14, and 18-23, they depend from one of independent claims 1, 10 and 15 and thus, they include the limitations of the claim from which depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 4-9, 13-14, and 18-23.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.
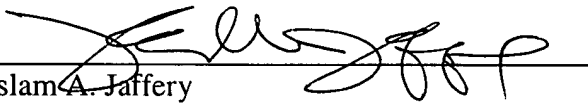
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: _August 3, 2004_   _____

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